

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1160**

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**Introduced by Assembly Member Harper**  
***(Coauthor: Assembly Member Gatto)***

February 27, 2015

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An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as amended, Harper. Vehicles: automated traffic enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system, as defined, if the system meets certain requirements. Existing law authorizes a governmental agency to contract out the operation of the system under certain circumstances, except for specified activities, that include, among other things, establishing guidelines for selection of the location of the system.

This bill would, beginning January 1, 2016, prohibit a governmental agency from installing an automated traffic enforcement system. The bill would authorize a governmental agency that is operating an automatic traffic enforcement system on that date to continue to do so after that date only if the agency begins conducting a traffic safety study on or before February 28, 2016, at each intersection where a system is in use to determine whether the use of the system resulted in a reduction in the number of traffic accidents at that intersection. The bill would require the governmental agency to terminate the use of an automated traffic enforcement system at an intersection no later than January 1,

2018, if the traffic safety study shows that the use of the system did not reduce the number of traffic accidents that occurred at that intersection.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended  
2 to read:

3 21455.5. (a) Except or provided in subdivision (k), the limit  
4 line, the intersection, or a place designated in Section 21455, where  
5 a driver is required to stop, may be equipped with an automated  
6 traffic enforcement system if the governmental agency using the  
7 system meets all of the following requirements:

8 (1) Identifies the system by signs posted within 200 feet of an  
9 intersection where a system is operating that clearly indicate the  
10 system's presence and are visible to traffic approaching from all  
11 directions in which the automated traffic enforcement system is  
12 being used to issue citations. A governmental agency using a  
13 system does not need to post signs visible to traffic approaching  
14 the intersection from directions not subject to the automated traffic  
15 enforcement system. Automated traffic enforcement systems  
16 installed as of January 1, 2013, shall be identified no later than  
17 January 1, 2014.

18 (2) Locates the system at an intersection and ensures that the  
19 system meets the criteria specified in Section 21455.7.

20 (b) Prior to issuing citations under this section, a local  
21 jurisdiction using an automated traffic enforcement system shall  
22 commence a program to issue only warning notices for 30 days.  
23 The local jurisdiction shall also make a public announcement of  
24 the automated traffic enforcement system at least 30 days prior to  
25 the commencement of the enforcement program.

26 (c) Only a governmental agency, in cooperation with a law  
27 enforcement agency, may operate an automated traffic enforcement  
28 system. A governmental agency that operates an automated traffic  
29 enforcement system shall do all of the following:

30 (1) Develop uniform guidelines for screening and issuing  
31 violations and for the processing and storage of confidential  
32 information. Establish procedures to ensure compliance with those  
33 guidelines. A governmental agency that operates an automated

1 traffic enforcement system installed on or before January 1, 2013  
2 shall establish those guidelines by January 1, 2014.

3 (2) Perform administrative functions and day-to-day functions,  
4 including, but not limited to, all of the following:

5 (A) Establishing guidelines for the selection of a location.  
6 Commencing January 1, 2013, before installing an automated  
7 traffic enforcement system the governmental agency shall make  
8 and adopt a finding of fact establishing that the system is needed  
9 at a specific location for reasons related to safety.

10 (B) Ensuring that the equipment is regularly inspected.

11 (C) Certifying that the equipment is properly installed and  
12 calibrated, and is operating properly.

13 (D) Regularly inspecting and maintaining warning signs placed  
14 pursuant to paragraph (1) of subdivision (a).

15 (E) Overseeing the establishment, change, and timing of signal  
16 phases.

17 (F) Maintaining controls necessary to ensure that only those  
18 citations that have been reviewed and approved by law enforcement  
19 are delivered to violators.

20 (d) The activities listed in subdivision (c) that relate to the  
21 operation of the system may be contracted out by the governmental  
22 agency, if it maintains overall control and supervision of the  
23 system. However, the activities listed in paragraph (1) of, and  
24 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,  
25 subdivision (c) shall not be contracted out to the manufacturer or  
26 supplier of the automated traffic enforcement system.

27 (e) The printed representation of computer-generated  
28 information, video, or photographic images stored by an automated  
29 traffic enforcement system does not constitute an out-of-court  
30 hearsay statement by a declarant under Division 10 (commencing  
31 with Section 1200) of the Evidence Code.

32 (f) (1) Notwithstanding Section 6253 of the Government Code,  
33 or any other law, photographic records made by an automated  
34 traffic enforcement system shall be confidential, and shall be made  
35 available only to governmental agencies and law enforcement  
36 agencies and only for the purposes of this article.

37 (2) Confidential information obtained from the Department of  
38 Motor Vehicles for the administration or enforcement of this article  
39 shall be held confidential, and shall not be used for any other  
40 purpose.

(3) Except for court records described in Section 68152 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

(g) Notwithstanding subdivision (f), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(h) (1) A contract between a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment shall not include a provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(3) A governmental agency that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction.

(i) A manufacturer or supplier that operates an automated traffic enforcement system pursuant to this section shall, in cooperation with the governmental agency, submit an annual report to the Judicial Council that includes, but is not limited to, all of the following information if this information is in the possession of, or readily available to, the manufacturer or supplier:

(1) The number of alleged violations captured by the systems they operate.

(2) The number of citations issued by a law enforcement agency based on information collected from the automated traffic enforcement system.

1 (3) For citations identified in paragraph (2), the number of  
2 violations that involved traveling straight through the intersection,  
3 turning right, and turning left.

4 (4) The number and percentage of citations that are dismissed  
5 by the court.

6 (5) The number of traffic collisions at each intersection that  
7 occurred prior to, and after the installation of, the automated traffic  
8 enforcement system.

9 (j) If a governmental agency using an automated traffic  
10 enforcement system has posted signs on or before January 1, 2013,  
11 that met the requirements of paragraph (1) of subdivision (a) of  
12 this section as it read on January 1, 2012, the governmental agency  
13 shall not remove those signs until signs are posted that meet the  
14 requirements specified in this section, as it reads on January 1,  
15 2013.

16 (k) (1) Commencing January 1, 2016, a governmental agency  
17 shall not install an automated traffic enforcement system.

18 (2) A governmental agency that is operating an automated traffic  
19 enforcement system on January 1, 2016, may continue to operate  
20 the automated traffic enforcement system after that date only if  
21 the agency begins conducting, on or before February 28, 2016, a  
22 traffic safety study at each intersection where an automated traffic  
23 enforcement system is in use to determine whether the use of the  
24 system resulted in a reduction in the number of traffic accidents  
25 at that intersection. The traffic safety study shall be conducted  
26 according to standards consistent with the analysis of data approved  
27 by the federal National Highway Traffic Safety Administration  
28 for automated traffic enforcement systems.

29 (3) If the traffic safety study shows that the use of an automated  
30 traffic enforcement system did not reduce the number of traffic  
31 accidents that occurred at an intersection, the governmental agency  
32 shall terminate the use of the system at that intersection no later  
33 than January 1, 2018.